THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7117 of 2007

Dated:09.04.2007

Between:
Singu Sailaja and others.

... Petitioners

AND

The Govt.of A.P., and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7117 of 2007

ORDER:

The petitioners herein were granted agency under Mahila Pradhan Kshetriya Bachat Yojana (MPKBY) and Standardized Agency System (SAS). In view of such authorization, the petitioners were entitled to collect money from persons in agency areas for being deposited in Post Office Cumulative Time Deposit or Recurring Deposit accounts. The agents authorized to collect such amounts canvass their business at the residence of the prospective investors and explain the details of the schemes and encourage savings. After collecting the money, the petitioners deposit in the concerned accounts in the Post Office and give back the pass books/certificates to the customers. Some of the petitioners were given agency in 1970, and the same was renewed from time to time. The third respondent herein issued proceedings dated 31.01.2006 directing all the Mandal Revenue Officers and the Mandal Development Officers of Agency Mandals in the District not to appoint the agents under Small Savings Schemes other than the tribes in the agency areas till further instructions are communicated from the Office of the District Collector. However, it is alleged that subsequently, the second respondent issued clarification on 02.06.2006 observing that it would be proper to renew agencyship of the agents, who carry out their business. The petitioners, therefore, approached respondents 3 and 4 for renewal of the licenses, in vain. The petitioners were also prevented from

continuing as agents, aggrieved by which, the present Writ Petition is filed seeking a direction to the respondents to renew the agencies granted to them under SAS and MPKBY.

The agency granted to each of the petitioners was being renewed from time to time. The third respondent, however, entertained a doubt as to whether the agencies can be granted to the non-tribals having regard to the Andhra Pradesh Scheduled Areas Land Transfer (Amendment) Regulation, 1970 (Regulation No.I of 1970) under various National Saving Schemes (NSS). As clarification was pending from the second respondent, the agencies were not renewed. The second respondent issued Memo No.8A/NSS/2006, dated 02.06.2006, observing that the provisions of Regulation No.I of 1970 in sanctioning all types of licenses and permits have to be strictly followed, and licenses and permits have to be issued to eligible scheduled tribals to protect the interest of the tribals. He also opined that Regulation No.I of 1970 does not prohibit agencyship to small savings agents to collect small amounts from investors, and that Regulation No.I of 1970 has no effect on the said business. Even before the same could be implemented, the Government of Andhra Pradesh, first respondent herein, issued Memo No.5820/LTR1/2006-1, dated 22.06.2006, informing that all the Government jobs are reserved for Scheduled Tribes in agency areas and the second respondent was requested to reserve all agencies of small savings to Scheduled Tribes in the agency areas. Therefore, the agencies were not renewed.

There is no denial that all the petitioners were operating in the agency area. There is also no denial that as agents, they have no right to continue as such, if the Principal, namely, the second respondent, declines to continue them as agencies. A policy decision was taken by the first respondent to give agencies only to tribals and it has a salutary purpose behind it. When the Government, as a policy, decides to appoint only tribals as agents in the small savings schemes, the same cannot be faulted. The petitioners have no right that can be enforced in the Writ Petition.

The Writ Petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

09.04.2007
vs